



Arizona Peace Officer Standards and Training Board

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ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD MINUTES OF MEETING APRIL 18, 2012 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 18, 2012, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Mr. Joseph Duarte, Chairman
Sheriff John Armer
Chief Steven Campbell
Dr. Scott Decker
Chief Kevin Kotsur
Ms. Wendy Larsen
Sheriff Scott Mascher
Deputy Anthony Nelson
Detention Director Mike Olson (in a non-voting capacity)
Mr. Gerald Richard, representing Attorney General Tom Horne
Director Charles Ryan
Sergeant Robert Thompson
Deputy Director Dennis Young, representing Director Bobby Halliday

Staff in Attendance:

Harry Atkins
Ted Brandon
Jim DeLung
Sandy Hansberger
Lynn Howe
Bob Irish
Steve Jacobs
Lori Ketron
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra

Assistant Attorney General
Diana Stabler
Nancy Beck

A. CALL TO ORDER

Chairman Duarte called the meeting to order at 10:01 a.m.

B. Introductions, Presentations and Announcements

Executive Director Mann introduced the four newly appointed Board members; Chief Steven Campbell of the El Mirage Police Department, Sheriff Scott Mascher of the Yavapai County Sheriff's Office, Deputy Anthony Nelson of the La Paz County Sheriff's Office and Director of Detention Mike Olson of the Maricopa County Sheriff's Office. He also stated that this will be Mr. Gerald Richard's last meeting; he is leaving the Attorney General's Office and returning to the Phoenix Police Department.

C. Legislative Update

Executive Director Mann informed the Board that he was successful in working with bills introduced at the legislature that impacted AZ POST. He also stated the 2012/13 budget will be brought to the Board for approval in June.

D. Final Action Cases:

Case #1 – Gregory L. Schlosser – Ft. McDowell Tribal Police Department

Mr. Richard recused himself from this case. The Board considered comments from Assistant A.G. Nancy Beck and Julie Benes, attorney for Mr. Schlosser. Sheriff Armer made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

Case #2 – Abner Upshaw Jr. – San Carlos Apache Police Department

Sheriff Armer and Mr. Richard recused themselves from this case. The Board considered comments from Assistant A.G. Nancy Beck and Anna C. Ortiz, attorney for Mr. Upshaw. Chief Campbell made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sgt. Thompson, motion carried unanimously.

Case #3 – Thomas Wleklik – Maricopa County Sheriff's Office

Director Ryan and Mr. Richard recused themselves from this case. The Board considered comments from Assistant A.G. Nancy Beck and Mr. Wleklik. Deputy Nelson made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and impose a one-year suspension of peace officer certification, seconded by Ms. Larsen, motion failed. Dr. Decker made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and impose a two-

year suspension of peace officer certification beginning on November 29, 2010, and ending on November 29, 2012, seconded by Ms. Larsen, motion failed. Sheriff Armer made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Lt. Colonel Young, motion failed. Deputy Nelson made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and impose a six month suspension of peace officer certification beginning on April 18, 2012, and ending on October 18, 2012, seconded by Ms. Larsen, motion carried with one nay vote.

Case #4 – Jason A. Brooks - Phoenix Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Lt. Colonel Young made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Mr. Richard, motion carried unanimously.

Case #5 – Mark R. Hall – Avondale Police Department

Chief Kotsur recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. Lt. Colonel Young made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Campbell, motion carried unanimously.

Case #6 – Emiliano Lopez – Maricopa County Sheriff's Office

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Richard made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Armer, motion carried unanimously.

Case #7 – Manuel Q. Tellez IV - Marana Police Department

Deputy Nelson recused himself from this case. The Board considered comments from Assistant A.G. Diana Stabler. Sheriff Armer made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #8 – Anna G. Ybarra - Goodyear Police Department

The Board considered comments from Assistant A.G. Diana Stabler. Dr. Decker made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #9 – Raymie N. Hurley – Navajo Department of Law Enforcement

Mr. Duarte and Mr. Richard recused themselves from this case. Sheriff Armer was acting chair for this case. The Board considered comments from Assistant A.G. Nancy Beck and Mr. Hurley. Chief Campbell made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

Case #10 – Albert W. Macklin – Maricopa County Sheriff's Office

The Board considered comments from Compliance Manager Bob Irish. Sheriff Armer made a motion to adopt the Findings of Fact and Conclusions of Law and take no action, seconded by Chief Campbell, motion carried with 4 nay votes.

Case #11 – Patrick Murphy – Cochise County Sheriff's Office

The Board considered comments from Assistant A.G. Diana Stabler. Mr. Richard made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Armer, motion carried unanimously.

Case #12 – Cynthia L. Roberts – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Paul Orfe. Mr. Richard made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Dr. Decker, motion carried unanimously.

F. New Charging Cases:Case #1 – Kenneth F. Boldin – Pinal County Sheriff's Office

The Board considered comments from Compliance Specialist Gary Maschner. Mr. Richard made a motion to ***Initiate Proceedings***, seconded by Lt. Colonel Young, motion carried unanimously.

Case #2 – Jeffrey H. Gordon – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Richard made a motion to ***Initiate Proceedings***, seconded by Sheriff Armer, motion carried unanimously.

Case #3 – Adika N. Hajj-Mak – Chandler Police Department

The Board considered comments from Compliance Specialist Curt Milam. Sheriff Armer made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Richard, motion carried unanimously.

Case #4 – Barry G. Olivar Sr. – San Carlos Tribal Police Department

Sheriff Armer recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Dr. Decker made a motion to ***Initiate Proceedings***, seconded by Mr. Richard, motion carried unanimously.

Case #5 – Rene C. Palafox – AZ Department of Transportation

The Board considered comments from Compliance Specialist Curt Milam. Mr. Richard made a motion to ***Initiate Proceedings***, seconded by Sheriff Armer, motion carried unanimously.

Case #6 – Daniel Panousopoulos – Yavapai County Sheriff's Office

Sheriff Mascher recused himself from this case. The Board considered comments from Compliance Specialist Gary Maschner. Sheriff Armer made a motion to ***Initiate Proceedings***, seconded by Dr. Decker, motion carried unanimously.

Case #7 – Theodore W. Parker – Somerton Police Department

The Board considered comments from Compliance Specialist Gary Maschner. Mr. Richard made a motion to ***Research Further***, seconded by Director Ryan, motion carried unanimously.

Case #8 – Willie C. Payne - Maricopa Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Armer made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #9 – Julio C. Pinedo - Tucson Police Department

The Board considered comments from Compliance Specialist Curt Milam. Chief Kotsur made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

Case #10 - Louis V. Pucko – AZ Department of Public Safety

Lt. Colonel Young recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Chief Campbell made a motion to ***Initiate Proceedings***, seconded by Ms. Larsen, motion carried unanimously.

Case #11 – Gerardo Torres – San Luis Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Richard made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.

F. Adjourn

Chairman Duarte adjourned the meeting at 12:38 p.m.